

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

ROBERT SYLVESTER KELLY, aka “R.  
Kelly”

Case No. 19 CR 567

Hon. Judge Harry D. Leinenweber

**GOVERNMENT’S MOTION TO DEFER THE  
CALCULATION OF RESTITUTION**

The UNITED STATES OF AMERICA, by JOHN R. LAUSCH, JR., United States Attorney for the Northern District of Illinois, hereby moves pursuant to Title 18, United States Code, Section 3664(d)(5) to defer the calculation of restitution in this matter until approximately 30 days after sentencing to allow time for the victims’ losses to be fully ascertained. In support of the motion, the government states as follows:

1. On September 14, 2022, a jury found defendant guilty of six counts of the superseding indictment, to include Counts One through Three (sexual exploitation of Minor 1 (“Jane”), in violation of 18 U.S.C. § 2251(a)), Count Nine (enticement of Jane, in violation of 18 U.S.C. § 2422(b)), Count Ten (enticement of Minor 3 (“Nia”), in violation of 18 U.S.C. § 2422(b)), and Count Twelve (enticement of Minor 5 (“Pauline”), in violation of 18 U.S.C. § 2422(b)). R. 334.

2. In light of defendant’s convictions, pursuant to 18 U.S.C. §§ 2259, 2429, and 3663A, the Court must order restitution to the victims of these offenses in an

amount determined by the Court.

3. Defendant's sentencing hearing is scheduled to proceed on February 23, 2023. R. 334.

4. On January 24, 2023, the government submitted a victim import spreadsheet to the U.S. Department of Probation and the Court. On February 3, 2023, the government submitted a supplemental version of the offense regarding restitution to Probation. As set forth in the supplement, the government has received some information related to the restitution amounts, however, the government is in the process of obtaining additional information.

5. Pursuant to 18 U.S.C. § 3664(d)(5), "if the victim's losses are not ascertainable by the date that is 10 days prior to sentencing, the attorney for the Government . . . shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing."

6. As the Supreme Court has stated, the procedural provisions of the Mandatory Victims Restitution Act reinforce the substantive purpose of the Act, "namely, that the statute seeks primarily to ensure that victims of a crime receive full restitution." *Dolan v. United States*, 560 U.S. 605, 612 (2010).

7. Because the amounts of the victims' requests for restitution has not yet been finalized, the government requests additional time beyond the February 23, 2023 sentencing hearing to allow for the victims' losses to be fully ascertained.

8. The government has conferred with defense counsel, who objects to this

motion.

WHEREFORE, the United States respectfully requests that the Court grant this motion pursuant to 18 U.S.C. § 3664(d)(5) and defer the calculation of restitution in this matter until approximately 30 days after sentencing to allow time for the victims' losses to be fully ascertained.

Respectfully submitted,

JOHN R. LAUSCH, JR.  
United States Attorney

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